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**MAILED**

**FEB 23 2007**

Technology Center 2100

In re Application of: Joseph M. Jeddeloh  
Application No. 10/773520  
Attorney Docket No. 33583/US  
Filed: February 5, 2004  
For: Arbitration System Having a Packet  
Memory and Method for Memory Responses  
in a Hub-Based Memory System

**DECISION ON PETITION**

This is a decision on the petition filed on January 24, 2007, requesting that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **GRANTED**.

**Applicable Prosecution History**

|              |                                                                                                                                  |
|--------------|----------------------------------------------------------------------------------------------------------------------------------|
| Mar 29, 2006 | First action on the merits mailed to address above                                                                               |
| Jun 12, 2006 | Amendment filed (Address on correspondence same as above)                                                                        |
| Aug 21, 2006 | Final rejection mailed to address above                                                                                          |
| Jan 5, 2007  | Applicant downloaded action from PAIR                                                                                            |
| Jan 24, 2007 | Instant Petition filed (Address on correspondence same as above)<br>Certificate of Mailing sets date of Petition as Jan 19, 2007 |

**RELIEF REQUESTED**

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from Jan 5, 2007, the date on which the Office communication was actually received at the correspondence address of record.

### **OPINION**

Petitioner asserts that the Office communication (Final Rejection) mailed on August 21, 2006 was not received by applicants, and states the following:

1. A substantial portion of the response period for response has elapsed on the date of receipt of action
2. Mr. Bulchis discovered on Jan. 5, 2007 that the office action (Final Rejection mailed Aug. 21, 2006) was entered in this application via the PAIR system
3. Upon discovery of the above office action, a search of the file jacket and the docket records was performed, and no entry for the office action was found.
4. Petitioner has attached a copy of pertinent mail log of incoming mail at the law firm, and a copy of the docket record for the instant application.

### **ANALYSIS**

In the absence of any apparent irregularity associated with the mailing of a communication, the Office presumes that the communication was properly mailed to practitioner at the address of record. This presumption, however, may be overcome by showing that office action (Final Rejection mailed Aug. 21, 2006) was not in fact received at the address of record.

According to MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

- a) a statement from the practitioner that the Office action was not received,
- b) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates the Office communication was not received,
- c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed, and
- d) a reference to the docket record in the practitioner's statement.

The petition filed on January 24, 2007, is in compliance with the above-stated requirements.

Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on 05 January 2007. The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt.

The Petition is **GRANTED**.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on 21 August 2006 is hereby reset to run FROM THE RECEIPT DATE OF 05 January 2007.

*Application SN10/773,520*  
*Decision on Petition*

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

A handwritten signature in black ink, appearing to read "Mano Padmanabhan", written over a horizontal line.

Mano Padmanabhan  
Quality Assurance Specialist,  
Technology Center 2100, Work Group 2180